

Plaintiffs' Exhibit O

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Message

From: Walleshauser, Linda M [/O=CC FIRST ORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=WALLESHL1C5]
Sent: 2/20/2019 9:24:02 AM
To: McCarthy, Margaret C [mmccarth@canisius.edu]
Subject: RE: Policies
Attachments: Canisius College LOA Letter M. Noonan.docx

Peg-see the first draft for your review. In addition, I am scanning all of the documentation regarding the investigations including notes from Dr. Hogan and Dr. Margulis so that you can review all of the academic concerns that have been expressed as well. This will be sent over shortly.

Canisius

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From: McCarthy, Margaret C <mmccarth@canisius.edu>
Sent: Wednesday, February 20, 2019 8:17 AM
To: Walleshauser, Linda M <walleshl@canisius.edu>
Subject: RE: Policies

Linda- Please include in your letter that he is not allowed to travel with students or be in any direct contact with them, while suspended. If he needs to get a message to one, he should work through department chairs.

Margaret Cain McCarthy, PhD
Vice President for Academic Affairs
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From: Wallshauser, Linda M <walleshl@canisius.edu>

Sent: Wednesday, February 20, 2019 7:31 AM

To: McCarthy, Margaret C <mmccarth@canisius.edu>; Hurley, John J <hurleyj@canisius.edu>

Subject: RE: Policies

Good morning-the next steps in the process are really dependent upon his responses. In any event, I would proceed immediately with any additional investigations that need to occur. Since we are meeting in the PBR, I would like to check in with you today Peg regarding steps at the end of the meeting and expectations when he exits-keys, ID, etc.

From: McCarthy, Margaret C

Sent: Tuesday, February 19, 2019 9:56 PM

To: Hurley, John J

Cc: Wallshauser, Linda M

Subject: Re: Policies

Agreed.

Linda- Mike may well ask how the investigation will continue from this point. What is the process you will follow and how long is it likely to take?

Peg

Sent from my iPhone

On Feb 19, 2019, at 5:40 PM, Hurley, John J <hurleyj@canisius.edu> wrote:

OK, but we should commit to moving forward with this as quickly as possible to limit the harm to all involved. And if you ultimately go in the direction indicated, we'll have to build in some monitoring.

John J. Hurley

President

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hurleyj@canisius.edu

From: McCarthy, Margaret C <mmccarth@canisius.edu>

Sent: Tuesday, February 19, 2019 5:37 PM

To: Hurley, John J <hurleyj@canisius.edu>; Wallshauser, Linda M <walleshl@canisius.edu>

Subject: RE: Policies

Sexual assault would be a clear termination... I have continued to think these past days how far short of that Mike's behavior is, even though it is clearly offensive and does, I think, rise to the level of harassment.

I also continue to be very concerned about the students and I have put myself in the place of their parents. What would I, as a parent, expect of this college? Would I be comfortable allowing my daughter to continue to be taught/mentored, etc. by Mike? My answer to that is no.

At this point, I have come to the conclusion that suspension with pay while the investigation continues is the best path. We must afford Mike the opportunity to respond, fairly and without judgement. I

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continue to recall all the positive work he has done. I think our meeting with him should be balanced. He needs to understand that this is serious but that we want to hear his response.

It may, I agree, result in a severe reprimand and intensive training as you suggest, John. I also think it is likely that he will/should be banned from traveling with students, lose the directorship of ISHAR, and teach a full 3/3 load. With that, I expect him to resign or retire.

Peg

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From: Hurley, John J <hurleyj@canisius.edu>
Sent: Tuesday, February 19, 2019 5:22 PM
To: Walleshauser, Linda M <walleshl@canisius.edu>; McCarthy, Margaret C <mmccarth@canisius.edu>
Subject: RE: Policies

There's not a lot of guidance in the policies about interim steps you can take while an investigation is being completed. The policy does not seem to anticipate suspensions without pay. It doesn't prohibit them, but it doesn't authorize it either.

Peg, on the basis of what we've heard, does the conduct rise to the level of a termination or would we think about a severe reprimand, some intensive sexual harassment training or something else? I ask because if it doesn't rise to the level of a termination, the interim suspension to complete the investigation may be too severe. It sounds like Linda has the written statements of all of the interested parties. The only thing we need to know from Mike is what is his response and how do we proceed.

John J. Hurley
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From: Walleshauser, Linda M <walleshl@canisius.edu>
Sent: Tuesday, February 19, 2019 5:02 PM
To: McCarthy, Margaret C <mmccarth@canisius.edu>; Hurley, John J <hurleyj@canisius.edu>
Subject: Policies

John/Peg-please see the attached policies for your review.

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<image001.png>

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